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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,531	12/14/2001	Kazunori Horikiri	111420	3245
25944	7590	03/21/2006	EXAMINER	
OLIFF & BERRIDGE, PLC			LEMMMA, SAMSON B	
P.O. BOX 19928				
ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/014,531	HORIKIRI ET AL.	
Examiner Samson B. Lemma	Examiner	Art Unit	
	2132		
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
THE REPLY FILED 07 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
<p>1. <input type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>4</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
<p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>			
<p>The status of the claim(s) is (or will be) as follows:</p>			
<p>Claim(s) allowed: _____.</p>			
<p>Claim(s) objected to: _____.</p>			
<p>Claim(s) rejected: <u>1-13, 16-18, 21-33, 36-38, 41 and 42.</u></p>			
<p>Claim(s) withdrawn from consideration: _____.</p>			
<p>AFFIDAVIT OR OTHER EVIDENCE</p>			
<p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
<p>REQUEST FOR RECONSIDERATION/OTHER</p>			
<p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u></p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____</p>			
<p>13. <input type="checkbox"/> Other: _____.</p>			
 GILBERTO BARRON Jr. SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100			

Continuation of 11. does NOT place the application in condition for allowance because: Examiners asserts that the argument presented by the applicant is not persuasive and the scope of the claims limitation in particular the independent claims are not changed/amended to successfully overcome the final rejection made previously. Applicant argued that the following limitation of the independent claims was not disclosed by Layton, "when it is determined that at least one of the users of the plurality of first external apparatuses have accessed the detection information, notifying to the first external apparatuses, which the others of the users use, a fact that the detection information has already been accessed."

Examiner disagrees with this argument. The examiner point out that Layton discloses the following on column 4, lines 32-41; column 3, lines 42-49; column 3, lines 53-66 (The "IMN" or the Information Management Network, having automatically received an alert or physical phenomenon notification from the premises where the monitoring devices are located, automatically accesses a data base, finds the particular owner's profile, and then also automatically sends/notifies the interactive alert messages/detection information to phones, faxes, email devices, pagers, hand-held computers and/or a manned monitoring center as previously specified by the owner. All or one of these devices/apparatus which are previously specified by the owner are interpreted by office as the external apparatus meets the recitations of each of the plurality of the first external apparatus).

Furthermore Layton discloses the following on Column 5, lines 52-56;column 5, lines 7-9, "customer can select to have a central station monitoring facility as the part of the call flow as explained on column 5, lines 7-9; Customers can elect to have central station monitoring facility having it's own apparatus which is interpreted as the a second external apparatus as the back-up capability to be employed/notified after one or more contacts listed in the Customer's Profile have been contacted and queried, and have failed to receive or respond correctly to the interrogation from the IMN". This means that system has a capability of determining that at least one of the contacts/external apparatus has accessed the detection information and as it is disclosed on column 5, lines 63-column 6, lines 3, the first external apparatus has a capability of canceling the event notification and also proactively instructed the IMN to contact the central monitoring facility. Therefore this means all the first external apparatus/one or more contacts listed in the customer profile will be contacted and their respond is waited. This means that whoever have accessed the detection information will respond back and will not fail to properly cancel the event notification and the system has to inherently notify other first external apparatuses/contacts who have already been contacted but has not yet responded, a fact that the detection information has already been accessed."

In order to clarify why the art on the record meets all the limitation of the independent claims, the examiner shows how each and individual limitation of the indepent claims is disclosed by the Layton as follows.

Referring to indepenent claims 1,21, 41-42, Layton discloses an information notifying method [column 5, line 4-5; column 4, lines 24-32; column 1, lines 14-21] comprising the steps of:

- Supervising physical phenomenon of a predetermined supervision area[Column 1, lines 14-16];
- When the physical phenomenon is detected by supervising, notifying detection information indicating that the physical phenomenon is detected to a each of a plurality of first external apparatuses; [column 4, lines 32-41; column 3, lines 42-49; column 3, lines 53-66] (The "IMN" or the Information Management Network, having automatically received an alert or physical phenomenon notification from the premises where the monitoring devices are located, automatically accesses a data base, finds the particular owner's profile, and then also automatically sends/notifies the interactive alert messages/detection information to phones, faxes, email devices, pagers, hand-held computers and/or a manned monitoring center as previously specified by the owner. All or one of these devices/apparatus which are previously specified by the owner are interpreted by office as the external apparatus meets the each of a plurality of external apparatus)

Determining as to whether or not users of the first external apparatus have accessed the notified detection information; and when it is determined that all of the users of the plurality of first external apparatus have not accessed the detection information, notifying the detection information to a second external apparatus. [Column 5, lines 52-56;column 5, lines 7-9] (Customer can select to have a central station monitoring facility as the part of the call flow as explained on column 5, lines 7-9; Customers can elect to have central station monitoring facility having it's own apparatus which is interpreted as the a second external apparatus as the back-up capability to be employed/notified after one or more contacts listed in the Customer's Profile have been contacted and queried, and have failed to receive or respond correctly to the interrogation from the IMN meets the recitation of all of users of the plurality of first external apparatuses.

Interpretation by the Examiner is given in the light of the specification)

When it is determined that at least one of the users of the plurality of first external apparatuses have accessed the detection information, notifying to the first external apparatuses, which the others of the users use, a fact that the detection information has already been accessed.[column 5, lines 63-column 6, line 3 and column 5, column 5, lines 52-56;column 5, lines 7-9] (As it is disclosed, system has a capability of determining that at least one of the contacts/external apparatus has accessed the detection information and as it is disclosed on column 5, lines 63-column 6, lines 3, the first external apparatus has a capability of canceling the event notification and also proactively instructed the IMN to contact the central monitoring facility. Therefore this means all the first external apparatus/one or more contacts listed in the customer profile will be contacted and their respond is waited. This means that whoever have accessed the detection information will respond back and will not fail to properly cancel the event notification and the system has to inherently notify other first external apparatuses/contacts who have already been contacted but has not yet responded, a fact that the detection information has already been accessed.")

Therefore all the elements of the indepenent claims limitation is explicitly or implicitly suggested and disclosed and the rejection remains valid, unless and otherwise the applicant further amend the indepenet claims and overcome the rejection with out introducing a new matter.